

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

-----X

JOEL F. HOLUBAR,
&
MARIANA H. HOLUBAR,

Plaintiffs,

v.

KENT KHOLBERGER;
THE CHASE FREEDMAN-FAMILY TRUST;
&
M/Y CHEROSA, *in rem*,

Defendants.

Civil Action No. 03-CV-12404-NG

DISCLOSURE STATEMENT

-----X

To: Curtis C. Pfunder
92 State Street
Boston, Massachusetts 02109

Edward C. Radzik, Esq.
Donovan Parry McDermott & Radzik
Wall Street Plaza
88 Pine Street
New York, New York 10005-1801

PLAINTIFF'S MANDATORY DISCLOSURES

Pursuant to Federal Rule of Civil Procedure ("Fed.R.Civ.P.") 26(a)(1) and Local Rule 26.1, Plaintiffs, hereby provide their initial disclosures as follows.

Plaintiffs' initial disclosures are based on the information now reasonably available and are limited to disputed issues of fact alleged with particularity in the pleadings. Plaintiffs

expressly reserve any objections to the use or admissibility, in this action or any action, of any documents or information disclosed herein.

A. INDIVIDUALS LIKELY TO HAVE DISCOVERABLE INFORMATION

The following individuals or entities are likely to have discoverable information relevant to disputed facts alleged in the pleadings:

<u>Name and Address</u>	<u>Subjects of Information</u>
Joel F. Holubar Setauket, New York	The Subject matter in suit and damages.
Mariana H. Holubar Setauket, New York	The Subject matter in suit and damages.
Gone Fishing Marina Montauk, New York	Plaintiffs' yacht damages.
70 West Marine Morehead City, North Carolina	Plaintiffs' yacht damages.
The Army Corp. of Eng. Cape Cod, Massachusetts	Conduct of defendants.
United States Coast Guard Cape Cod, Massachusetts	Personal and yacht damage conduct of defendants.
Kent Kholberger Old Saybrook, Connecticut	Conduct of defendants, insurance and ownership.
Jane & John Does	Conduct of defendants.

B. DOCUMENTS, DATA COMPILATIONS AND TANGIBLE THINGS

Pursuant to Fed.R.Civ.P. Rule 26(a)(1)(B), Plaintiffs hereby describe, by category and location, all non-privileged documents, data compilation and tangible things in its pleadings.

Categories of Documents

Location

Documents relating to plaintiffs

Setauket, New York

Documents relating to defendants

Hartford, Connecticut

Documents relating to defendants' conduct

Cape Cod, Massachusetts

C. COMPUTATION OF DAMAGES

Plaintiffs have not yet ascertained or computed damages, the full extent and nature of which are not capable of determination until the completion of discovery.

D. INSURANCE AGREEMENTS

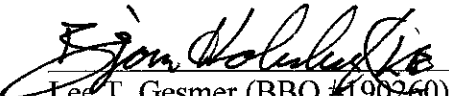
Plaintiffs are unaware at this time of any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in this action, or to reimburse or to indemnify such a judgment. Notwithstanding the foregoing Plaintiff maintain a policy through Total Dollar Insurance, on Lexington Avenue, New York, New York.

E. EXPERT WITNESSES

Plaintiffs have not yet identified any expert witness(es) who may be used at trial to present evidence pursuant to Rules 702, 703 or 705 of the Federal Rules of Evidence.

Plaintiffs reserve the right to amend and/or supplement their disclosures herein.

DATED: April 26, 2004



Lee T. Gesmer (BBO #190260)
Kurt Bratten (BBO #644730)
Gesmer Updegrove LLP
40 Broad Street
Boston, Massachusetts 02109
1-617-350-6800 (phone)
1-617-350-6878 (fax)

Bjorn J. Holubar
770 Lexington Avenue, 7th Floor
New York, New York 10021
1-212-980-1992 (direct)
1-212-755-4199 (fax)

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of April 2004, copies of the foregoing document were sent via regular mail to counsel for the defendants, Curtis C. Pfunder, Esq., 92 State Street, Boston, MA 02109 and Edward C. Radzik, Esq., Donovan Parry McDermott & Radzik, Wall Street Plaza, 88 Pine Street, New York, New York 10005-1801.


Kurt E. Bratten, Esq.